

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

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MDL DOCKET NO. 2323  
12-md-2323

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**[PROPOSED] AGENDA FOR INITIAL CONFERENCE**

1. CMO #1 ¶ 5 and Plaintiffs' Joint Application for Appointment of Plaintiffs' Executive Committee, Plaintiffs' Steering Committee, and Plaintiffs' Liaison Counsel
2. Status of Transfer of Actions Pursuant to MDL Transfer Order
3. Related Cases Pending in Other Courts and Current Status  
(*See* Schedule A)
4. Orders Previously Entered By Other Courts  
(*See* Schedule B)
5. Feasibility of Filing Master Administrative Complaints and Short-Form Complaints
6. Motions to Dismiss and LMRA § 301 Preemption Issues, and Plaintiffs' Request for Related Discovery
7. Motions That Should Be Considered On an Expedited Basis
8. Preliminary Schedules Proposed in CMO #2
  - a. Commencement of Fact Discovery
  - b. Timetable for Fact Discovery
  - c. Timetable for Expert Discovery

- d. Briefing Schedules for Class Certification, Dispositive Motions, and *Daubert* Motions
- 9. Possible Discovery Tools
  - a. Fact Sheets
  - b. Scope of Other Discovery
- 10. Issues Relating to Requests for Class Certification
- 11. Issues to Be Addressed On Remand in Transferor Courts
- 12. Timetable to Conclude MDL
- 13. Scheduling of Regular Telephone Conferences
- 14. Other Issues of Importance to the Court
- 15. Next Status Conference

## **SCHEDULE A**

<b>Case Name</b>	<b>Case Number</b>	<b>Court</b>	<b>Current Status</b>
<i>Adams v. NFL</i>	No. 1203011639	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Alexander, et al. v. NFL</i> <sup>1</sup>	No. 12-cv-00794	United States District Court for the Southern District of Texas, Houston Division (transferor court); United States District Court for the Eastern District of Pennsylvania (transferee court)	Defendant not yet served
<i>Allen, et al. v. NFL, et al.</i> <sup>2</sup>	No. 12-cv-01281	United States District Court for the Eastern District of Pennsylvania	Defendants served
<i>Camarena v. NFL</i>	No. RG12622252	California Superior Court, County of Alameda	Defendants served; Applications for Appointment of <i>Guardian ad litem</i> denied
<i>Duerson v. NFL, et al.</i>	No. 2012-L-002043	United States District Court for the Northern District of Illinois (removed from Illinois Circuit Court, Cook County)	Defendants served; Notice of Removal filed by NFL
<i>Haddix, et al. v. NFL, et al.</i>	No. L-001363-12	New Jersey Superior Court, Camden County	Defendants not yet served
<i>Hopkins, et al. v. NFL, et al.</i> <sup>3</sup>	No. 12-cv-01239	United States District Court for the Eastern District of Pennsylvania	Defendants served

<sup>1</sup> The *Alexander* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but since has been transferred to MDL No. 2323 and filed on the Eastern District of Pennsylvania docket (see Master Dkt. # 37).

<sup>2</sup> The *Allen* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but was deemed an associated case of MDL No. 2323 on April 5, 2012.

<i>Jones v. NFL</i>	No. 120303229	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Justin v. NFL</i>	No. 120301636	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Justin v. NFL</i>	No. 120301652	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Kennedy v. NFL</i>	No. 120301642	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Koch v. NFL</i>	No. 120301644	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Krieg v. NFL</i>	No. 120301966	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Landry, et al. v. NFL, et al.</i>	No. 12-cv-01643	United States District Court for the Eastern District of Pennsylvania	Defendants served
<i>LeMaster, et al. v. NFL, et al.</i>	No. 120302540	Philadelphia Court of Common Pleas, Civil Division	Defendants not yet served
<i>LeMaster, et al. v. NFL, et al.</i>	No. 120400108	Philadelphia Court of Common Pleas, Civil Division	Defendants served
<i>Myers v. NFL</i> <sup>4</sup>	No. 12-cv-00582	United States District Court for the Southern District of Texas, Houston Division (transferor court); United States District Court for the Eastern District of Pennsylvania (transferee court)	Defendant not yet served

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<sup>3</sup> The *Hopkins* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but was deemed an associated case of MDL No. 2323 on April 5, 2012.

<sup>4</sup> The *Myers* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but since has been transferred to MDL No. 2323 and filed on the Eastern District of Pennsylvania docket (see Master Dkt. # 12).

<i>Parrish v. NFL, et al.</i>	No. 2:12-cv-01700	United States District Court for the Eastern District of Pennsylvania	Defendants not yet served
<i>Player, et al. v. NFL</i>	No. 120301649	Philadelphia Court of Common Pleas, Civil Division	Defendant served
<i>Pugh, et al. v. NFL, et al.<sup>5</sup></i>	No. 12-cv-01165	United States District Court for the Eastern District of Pennsylvania	Defendants served
<i>Richards, et al. v. NFL, et al.</i>	No. 2:12-cv-1623	United States District Court for the Eastern District of Pennsylvania	Defendants served
<i>Rademacher v. NFL, et al.</i>	No. LC096597	California Superior Court, County of Los Angeles	Defendants not yet served
<i>Rypien, et al. v. NFL, et al.<sup>6</sup></i>	No. 2:12-cv-1496	United States District Court for the Eastern District of Pennsylvania	Defendants served
<i>Taylor v. NFL</i>	No. 120301962	Philadelphia Court of Common Pleas, Civil Division	Defendant served

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<sup>5</sup> The *Pugh* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but was deemed an associated case of MDL No. 2323 on April 5, 2012.

<sup>6</sup> The *Rypien* litigation is listed on Schedule A to avoid confusion. It was not an associated case of MDL No. 2323 at the time this Court issued Case Management Order No. 1, but was deemed an associated case of MDL No. 2323 on April 5, 2012.

## **SCHEDULE B**

Case Name	Case Number (Transferor, if any; Transferee)	Order <sup>7</sup>	Date Entered
<i>Alexander, et al. v. NFL, et al.</i>	4:12-cv-00794; E.D. Pa. # TBD	Order for Scheduling Conference and Order to Disclose Interested Persons [Dkt. No. 2]	03/15/12
<i>Austin, et al. v. NFL, et al.</i>	12-cv-00075; 12-cv-01032	Minute Order Granting Motion for Extension of Time to Answer [N/A]	02/02/12
<i>Barnes, et al. v. NFL, et al.</i>	11-cv-08396; 12-cv-01024	Order re: Transfer Pursuant to General Order 08-05 [Dkt. No. 17]	10/19/11
		Order re: Notice to Counsel [Dkt. No. 25]	11/08/11
		Order Denying NFL's Ex Parte Application for Order Shortening Time on Motion for a Stay of Proceedings [Dkt. No. 43]	11/18/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Beth A. Wilkinson [Dkt. No. 50]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Bruce Birenboim [Dkt. No. 51]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Lynn B. Bayard [Dkt. No. 52]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Theodore V. Wells, Jr. [Dkt. No. 53]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Brad S. Karp [Dkt. No. 54]	11/28/11

<sup>7</sup> All docket numbers provided refer to transferor court docket unless otherwise indicated.

		Order Denying Plaintiffs' Motion to Remand [Dkt. No. 58]	12/08/11
		Order Granting Plaintiffs' Ex Parte Application for Leave to File a Second Amended Complaint [Dkt. No. 66]	12/15/11
		Order Granting Plaintiffs' Ex Parte Application for an Order Continuing the January 17, 2012 Hearing Date [Dkt. No. 85]	12/28/11
		Order Continuing January 3, 2012 Hearing on Riddell Defendants' Motion to Sever and Request for Judicial Notice to February 6, 2012 [Dkt. No. 86]	01/03/12
		Minute Order Continuing February 6, 2012 Hearing on Riddell Defendants' Motion to Sever and NFL and Riddell Defendants' Motions to Dismiss to March 19, 2012 [Dkt. No. 93]	01/30/2012
<i>Dronett v. NFL, et al.</i>	12-cv-00076; 12-cv-01033	Order Granting Defendants' Motion on Consent to Hold in Abeyance Defendants' Deadline to Respond to Plaintiffs' Complaint [Dkt. No. 7]	02/02/12
<i>Easterling, et al. v. NFL</i>	11-cv-05209	Stipulation and Order Extending Time to Answer, Move or Otherwise Respond to the Complaint [Dkt. No. 3]	09/13/11
		Stipulation and Order Extending Time to Answer, Move or Otherwise Respond to the Amended Complaint [Dkt. No. 5]	10/17/11
		Order Granting Application for Pro Hac Vice for Brad S. Karp [Dkt. No. 13]	10/21/11
		Order Granting Application for Pro Hac Vice for Theodore V. Wells, Jr. [Dkt. No. 14]	10/21/11
		Order Granting Application for Pro Hac Vice for Bruce Birenboim [Dkt. No. 15]	10/21/11

		Order Granting Application for Pro Hac Vice for Lynn B. Bayard [Dkt. No. 16]	10/21/11
		Order Granting Application for Pro Hac Vice for Beth A. Wilkinson [Dkt. No.17]	10/21/11
		Order Rescheduling Scheduling Conference [Dkt. No. 18]	11/02/11
		Scheduling Order [Dkt. No. 26]	11/22/11
		Order re: Telephone Conference [Dkt. No. 33]	01/23/12
		Stipulation and Order Extending Plaintiffs' Time to Answer Motion to Dismiss [Dkt. No. 35]	01/27/01
<i>Jacobs, et al. v. NFL, et al.</i>	11-cv-09345; 12-cv-01035	Order Extending Time for Defendants to Answer, Move, or Otherwise Respond to Complaint [Dkt. No. 4]	01/26/12
		Order re: Briefing Schedule and Proposed Scheduling Order [Dkt. No. 6]	02/10/12
<i>Jones, et al. v. NFL</i>	11-cv-24594; 12-cv-01027	Order Requiring Parties to Meet and File Joint Scheduling Report and Proposed Order and Directing Parties to File Certificates of Interested Parties [Dkt. No. 3]	01/03/12
		Order Granting Defendant National Football League's Agreed Motion for Enlargement of Time To Respond to Plaintiffs' Complaint [Dkt. No. 10]	01/18/12
		Order Setting Status Conference [Dkt. No. 16]	01/24/12
		Paperless Order Denying as Moot Motion for Extension of Time to Answer [Dkt. No. 18]	01/25/12
		Paperless Order Granting Motion for Extension of Time to Answer [Dkt. No. 19]	01/25/12

		Paperless Order Granting Plaintiffs' Motion to Amend/Correct Complaint [Dkt. No. 22]	02/08/12
		Paperless Order Granting Motion to Defer Notification to Court [Dkt. No. 25]	02/10/12
<i>Kuykendall, et al. v. NFL, et al.</i>	11-cv-04450; 12-cv-01030	Order Granting Defendants' Motion on Consent to Hold in Abeyance Defendants' Deadline to Respond to Plaintiffs' Complaint [Dkt. No. 10]	01/27/12
<i>Levens v. NFL, et al.</i>	11-cv-04448; 12-cv-01028	Order Granting Defendants' Motion on Consent to Hold in Abeyance Defendants' Deadline to Respond to Plaintiffs' Complaint [Dkt. No. 10]	01/27/12
<i>Lewis v. NFL, et al.</i>	11-cv-04451; 12-cv-01031	Minute Order Granting Motion for Extension of Time to Answer [N/A]	01/27/12
<i>Maxwell, et al. v. NFL, et al.</i>	11-cv-08394; 12-cv-01023	Order re: Notice to Counsel [Dkt. No. 6]	10/13/11
		Order Denying NFL's Ex Parte Application for Order Shortening Time on Motion for a Stay of Proceedings [Dkt. No. 45]	11/18/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Beth A. Wilkinson [Dkt. No. 49]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Bruce Birenboim [Dkt. No. 50]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Lynn B. Bayard [Dkt. No. 51]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Theodore V. Wells, Jr. [Dkt. No. 52]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Brad S. Karp [Dkt. No. 53]	11/28/11

		Order Denying Plaintiffs' Motion to Remand [Dkt. No. 58]	12/08/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Jason E. Luckasevic [Dkt. No. 86]	12/28/11
		Order Granting Plaintiffs' Ex Parte Application for an Order Continuing the January 17, 2012 Hearing Date [Dkt. No. 85]	12/28/11
		Order Continuing January 3, 2012 Hearing on Riddell Defendants' Motion to Sever and Request for Judicial Notice to February 6, 2012 [Dkt. No. 87]	01/03/12
		Minute Order Continuing February 6, 2012 Hearing on Riddell Defendants' Motion to Sever and NFL and Riddell Defendants' Motions to Dismiss to March 19, 2012 [Dkt. No. 97]	01/30/12
<i>Myers v. NFL</i>	4:12-cv-00582; 12-cv-00582	Order for Conference [Dkt. No. 2]	02/28/12
<i>Pear, et al. v. NFL, et al.</i>	11-cv-08395; 12-cv-01025	Order re: Transfer Pursuant to General Order 08-05 [Dkt. No. 20]	10/19/11
		Order Re: Notice to Counsel [Dkt. No. 27]	11/08/11
		Order Denying NFL Defendants' Ex Parte Application for Continuance of Hearing on Plaintiffs' Motion to Remand [Dkt. No. 47]	11/18/12
		Order Denying NFL Defendants' Ex Parte Application for Order Shortening Time on Motion for Stay [Dkt. No. 48]	11/18/12
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Beth A. Wilkinson [Dkt. No. 53]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Bruce Birenboim [Dkt. No. 54]	11/28/11

		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Lynn B. Bayard [Dkt. No. 55]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Theodore V. Wells, Jr. [Dkt. No. 56]	11/28/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Brad S. Karp [Dkt. No. 57]	11/28/11
		Order Denying Plaintiffs' Motion to Remand [Dkt. No. 61]	12/08/11
		Order on Application of Non-Resident Attorney to Appear in a Specific Case – Jason E. Luckasevic [Dkt. No. 64]	12/12/11
		Order Granting Plaintiffs' Ex Parte Application for an Order Continuing the January 17, 2012 Hearing Date [Dkt. No. 86]	12/28/11
		Order Continuing January 3, 2012 Hearing on Riddell Defendants' Motion to Sever and Request for Judicial Notice to February 6, 2012 [Dkt. No. 87]	01/03/12
		Minute Order Continuing February 6, 2012 Hearing on Riddell Defendants' Motion to Sever and NFL and Riddell Defendants' Motions to Dismiss to March 19, 2012 [Dkt. No. 97]	01/30/12
<i>Rucker, et al. v. NFL, et al.</i>	11-cv-09538; 12-cv-01036	Order Granting Defendants' Request for 30-Day Extension to Answer, Move, or Otherwise Respond to Complaint [Dkt. No. 5]	01/26/12
		Order re Briefing Schedule and Proposed Scheduling Order [Dkt. No. 7]	02/10/12
<i>Steed v. NFL, et al.</i>	12-cv-00524; 12-cv-01036	Standing Order Regarding Newly Assigned Cases [Dkt. No. 4]	01/27/12

		Order re Transfer Pursuant to General Order 08-05 [Dkt. No. 5]	01/30/12
		Order re: Notice to Counsel [Dkt. No. 6]	02/02/12
<i>Stewart v. NFL, et al.</i>	11-cv-04449; 12-cv-01029	Order Granting Defendants' Motion on Consent to Hold in Abeyance Defendants' Deadline to Respond to Plaintiffs' Complaint [Dkt. No. 13]	01/26/12
<i>Wooden, et al. v. NFL</i>	12-cv-20269; 12-cv-01037	Order Requiring Parties to Meet and File Joint Scheduling Report and Proposed Order and Directing Parties to File Certificates of Interested Parties [Dkt. No. 4]	01/26/12